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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 10/625,981 | 07/24/2003 | Michael P. Burns | 576SC [2630.3131.001] | 1703 |

7590 05/24/2005

William H. Francis
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EXAMINER

CHIESA, RICHARD L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1724

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,981

Applicant(s)

BURNS, MICHAEL P.

Examiner

Richard L. Chiesa

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 7-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response To Amendment

- (1.) The amendment filed on March 25, 2005 has been entered.

Drawings

- (2.) The replacement drawing sheets containing Figures 5-7 filed on March 25, 2005 have been accepted by the examiner.

Election Of Species

- (3.) In light of applicant's remarks and amendment, the election of species requirement has been withdrawn in order to expedite prosecution.

Claim Rejections – 35 USC 102/103

- (4.) The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall not be entitled to a patent unless--

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(5.) The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(6.) Claims 1-3, 20, 21, and 23-25 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over German Patent No. 19809473 to S&W. S&W (note Figures 1-3) shows a carburetor with a choke valve 12, fuel feed passage 27, venturi 11, flexible diaphragm 21, fuel metering chamber 31, reference chamber 34, and reference passage 25 as claimed (35 USC 102b). It would appear that S&W may not explicitly state that the choke valve is a throttling choke valve. However, S&W does not show any downstream throttle valve and therefore the choke valve serves the purpose of both valves. Consequently, it is inherent or at least would have been readily obvious to one of ordinary skill in the art (35 USC 103a) that the S&W choke valve is a throttling choke valve. Furthermore, relative to claim 23, when the S&W throttling choke valve revolves (note ref. num. 14), a secondary venturi will be created between the valve 12 and the wall 10.

(7.) Claims 4-6, and 22 are rejected under 35 USC 103(a) as being unpatentable over S&W in view of U.S. Patent No. 4,931,226 to Ishii. S&W, as described above in paragraph 6, shows a carburetor substantially as claimed. Apparently, S&W does not

show air bypass and fuel mixture screw valves. In any case, Ishii (note Figures 1-6) teaches the well-known uses of air bypass 66 and fuel mixture 47 screw valves in a carburetor for the purpose of ensuring proper fuel-air ratio control (note Abstract). It would have been obvious to one of ordinary skill in the art to employ air bypass and fuel mixture screw valves in the S&W carburetor in order to facilitate fuel-air ratio control as taught by Ishii.

Allowable Subject Matter

(8.) Claims 7-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

(9.) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other carburetors.

(10.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa
May 20, 2005

Richard L. Chiesa

**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

May 20, 2005